

a
comprises inactivated pertussis toxin (PTd)[,] and filamentous hemagglutinin (FHA)[,] pertactin and fimbriae and combinations thereof].

REMARKS

By this Amendment, claims 4 and 10 are canceled, and claims 1-3, 5-9, 11-13, 15-17, 19 and 20 are amended. Claims 1-3, 5-9 and 11-20 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The rejection of claims 3, 9, 15 and 19 under 35 U.S.C. § 112, second paragraph, is obviated by the foregoing amendments. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Eldridge et al. This rejection is obviated by the foregoing amendments incorporating the limitations of original claim 10, which was not rejected as being anticipated by Eldridge et al., into base claim 1. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-5 and 13-16 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Jones et al. This rejection is respectfully traversed.

The rejection of base claim 1 and dependent claims 2-5 is obviated by the foregoing amendments incorporating the limitations of original claim 10, which was not rejected as being anticipated by Jones et al., into base claim 1.

Base claim 13 and dependent claims 14-16 now specify that the at least one *B. pertussis* antigen is selected from the group consisting of inactivated pertussis toxin (PTd), filamentous hemagglutinin (FHA) and pertactin. Jones et al. discloses the use of only fimbriae as a *B. pertussis* antigen.

Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1-5 and 13-16 over Jones et al. are respectfully requested.

Claims 1-4, 7 and 9-10 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Singh et al., 16(4) Vaccine 346 (1998) ("Singh I"). This rejection is respectfully traversed.

Base claims 1 and 7 specify that the (micro/nano) particles are formed using a coacervation method. As acknowledged in the Office Action at page 4, last paragraph, Singh I teaches using a solvent evaporation technique to form particles. Thus, Singh I does not identically disclose all of the limitations of claims 1-4, 7 and 9-10.

Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1-4, 7 and 9-10 over Singh I are respectfully requested.

Claims 1-4 and 7-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,603,960 to O'Hagan et al. This rejection is respectfully traversed.

Base claims 1 and 7 specify that the (micro/nano) particles are formed using a coacervation method. As acknowledged in the Office Action at page 6, lines 1-3, O'Hagan teaches using a solvent evaporation technique to form particles. Thus, O'Hagan does not identically disclose all of the limitations of claims 1-4 and 7-10.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-4 and 7-10 over O'Hagan et al. are respectfully requested.

Claims 1-4, 7 and 9-10 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Uchida et al. This rejection is respectfully traversed.

Base claims 1 and 7 specify that the (micro/nano) particles are formed using a coacervation method. As acknowledged in the Office Action at page 6, second full paragraph, Uchida teaches using a w/o/w emulsion/solvent evaporation technique to form particles. Thus, Uchida does not identically disclose all of the limitations of claims 1-4, 7 and 9-10.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-4, 7 and 9-10 over Uchida et al. are respectfully requested.

Claims 1-4 and 7-10 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Singh et al., 34 Adv. Drug Delivery Reviews 285 (1998) ("Singh II"). This rejection is respectfully traversed.

Base claims 1 and 7 specify that the (micro/nano) particles are formed using a coacervation method. As acknowledged in the Office Action at page 7, lines 1-5, Singh II teaches using a solvent evaporation technique to form particles. Thus, Singh II does not identically disclose all of the limitations of claims 1-4 and 7-10.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-4 and 7-10 over Singh II are respectfully requested.

Claims 7-11 and 17-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jones et al. in view of O'Hagan et al. This rejection is respectfully traversed.

Jones et al. fails to disclose the coacervation limitation of base claim 7, as shown above with respect to the rejection of claim 1 over Jones et al. The teachings of O'Hagan et al. do not remedy at least this deficiency of the primary reference, as shown above.

Thus, the Office Action fails to make a *prima facie* showing that claims 7-11 are obvious.

Base claim 17 and dependent claims 18-20 now specify that the at least one *B. pertussis* antigen is selected from the group consisting of inactivated pertussis toxin (PTd), filamentous hemagglutinin (FHA) and pertactin. Jones et al. discloses the use of only fimbriae as a *B. pertussis* antigen, and the Office Action fails to sustain the burden of showing how O'Hagan et al. remedies this deficiency of the primary reference.

Accordingly, reconsideration and withdrawal of the rejection of claims 7-11 and 17-20 over Jones et al. in view of O'Hagan et al. are respectfully requested.

Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Singh I or O'Hagan et al. This rejection is obviated by the foregoing amendments incorporating the limitations of original claim 10 into base claim 1. As shown above with respect to the anticipation rejections over Singh I and O'Hagan et al., neither reference discloses coacervation. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for

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allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.


Respectfully submitted,

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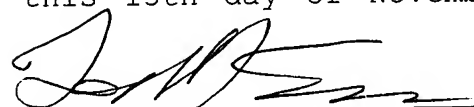
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment and attached Associate Power of Attorney, Amendment Transmittal and Petition for Extension of Time are being deposited with the United States Postal services as First Class Mail, postage prepaid, in an envelope addressed to: Attn: Box Fee Amendment, Commissioner for Patents, Washington, D.C., 20231 on this 13th day of November, 2000.


David M. Tener, Reg. No. 37,054